IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO.12250 of 2004

Between:

Bonthu Kamalavathi, W/o.Narayana Murthy, 55 years,
R/o.Bhimavaram, West Godavari District.

...PETITIONER

AND

1. The Deputy Registrar of Co-operative Society, Bhimavaram, West Godavari District.
2. The Sale Officer, Co-operative Sub-Registrar, Office of Deputy Registrar of Co-operative Society, Bhimavaram, West Godavari District.
3. The Bhimavaram Co-operative Urban Bank Limited, rep.by its Secretary, Near Taluk Office, Bhimavaram.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue order direction more particularly one in the nature of Writ of Mandamus declare the proceedings of the 1st respondent in C.E.P No. 188/2001-02 dated 02.07.2004 as illegal, arbitrary and contrary to the provisions of A.P. Co-operative Societies Act, 1964 and consequentially set a side the sale notice dated 02.07.2004.

Counsel for the Petitioner: MR.P.R.K.AMERANDRA KUMAR (Not Present)

Counsel for the Respondents 1 & 2: GP FOR COOPERATION

Counsel for the Respondent No.3: Dr.P.B.VIJAYA KUMAR

The Court made the following:

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO.12250 of 2004

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus challenging the sale notice issued by the first respondent in C.E.P.No.188/2001-02 dated 02.07.2004 whereunder the property belonging to the petitioner was put to public auction. Admittedly an award was passed by the 1st respondent for recovery of a sum of Rs.16,20,256/- from the petitioner in pursuance of which the impugned sale notice was issued in the execution proceedings pending on the file of the first respondent.

This Court while directing notice before admission by an order dated 04.08.2004 granted interim stay of auction subject to the condition that the petitioner deposits a sum of Rs.8 lakh towards the disputed amount within a period of four weeks. Subsequently, when the matter was taken up on 20.09.2004, it was represented by learned counsel for the third respondent-Bank that the petitioner failed to deposit the sum of Rs.8 lakh as directed by this Court. Since the learned counsel for the petitioner reported no instructions, by order dated 20.09.2004 it was made clear that in case the sum of Rs.8 lakh has not been deposited, the interim stay shall stand vacated.

Today, when the matter is called, none appears for the petitioner and nothing has been placed before the Court to show the compliance with the conditional order

dated 04.08.2004. Obviously, the petitioner is not interested in prosecuting the matter. Moreover since the interim stay of sale stood vacated, nothing survives for adjudication in the Writ Petition.

The Writ Petition is accordingly dismissed. No costs.

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(G.ROHINI, J)

11th October 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Deputy Registrar of Co-operative Society, Bhimavaram, West Godavari District.

2. The Sale Officer, Co-operative Sub-Registrar, Office of Deputy Registrar of Co-operative Society, Bhimavaram, West Godavari District.

3. The Secretary, Bhimavaram Co-operative Urban Bank Limited, Near Taluk Office, Bhimavaram.

4. Two CCs to G.P. for Co-operation, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.